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March 9, 2020

**REQUEST TO FILE UNDER SEAL**

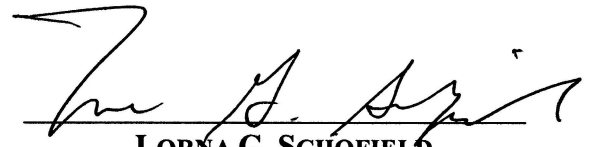
Application GRANTED. The March 9, 2020, status letter at Dkt. No. 63 shall be filed under seal. Only Christopher Hiram Cano, Nicolette Pellegrino, the City of New York, New York City Health and Hospitals Corporation, Correctional Officers Chisolm, Santiago, Murray, and Captains Robinson and Charles shall have access to the letter at Dkt. No. 63. The Clerk of Court is respectfully directed to change the address listed on the docket for pro se Plaintiff and to mail a copy of this order to:

**VIA E.C.F.**

Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Christopher Hiram Cano  
Anna M. Kross Correctional Facility  
18-18 Hazen Street  
East Elmhurst, New York 11370

SO ORDERED.  
March 11, 2020  
New York, New York

  
**LORNA G. SCHOFIELD**  
UNITED STATES DISTRICT JUDGE

Re: Christopher Hiram Cano v. City of New York, et al.,  
19 Civ. 1640 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, New York City Health and Hospitals, New York City Department of Correction ("DOC") Captains Charles and Robinson, and DOC Officers Chisolm and Santiago (collectively, "Defendants") in the above-referenced matter.<sup>1</sup> Defendants write to respectfully request that the Defendants be permitted to file their anticipated March 9, 2020 Status Letter under seal because it discusses matters and documents which have been explicitly protected from disclosure by the Court's September 26, 2019 Stipulation of Confidentiality and Protective Order (hereinafter, "Protective Order") and also concerns other private and/or confidential matters concerning Plaintiff. (See Dkt. No. 37 at ¶ 2(f).)

By way of background, Plaintiff was scheduled to be deposed by Defendants at the Manhattan Detention Complex ("MDC") on October 31, 2019. However, on October 29, 2019, the Defendants learned that Plaintiff was discharged from DOC custody into the custody of New York State. (See Dkt. Nos. 44, 45.)

<sup>1</sup> Upon information and belief, DOC Officer Murray has not been served with process and, thus, is not yet a party to this action.

Upon information and belief, on November 8, 2019, former Assistant Corporation Counsel Samantha J. Pallini provided the Court, under seal, with an update with respect to the Plaintiff's custody status and relevant criminal case, which are confidential pursuant to HIPAA and the Protective Order. Pursuant to the Protective Order, "[a]ny records unsealed as a result of Plaintiff's properly executed authorization for the unsealing of records pursuant to New York Criminal Procedure Law §§ 160.50 and 160.55, particularly pertaining to Bronx Supreme Court Indictment No. 02396/2016[,] are to be designated confidential materials and protected from disclosure to third parties, except those persons listed in paragraph 5. (See [Dkt. No. 37 at ¶ 2\(f\)](#).)

Here, the contents of the Defendants' anticipated March 9, 2020 Status Letter concern the Plaintiff's custody status and certain disclosure on the public docket may violate HIPAA. In addition, the information contained in the Status Letter also directly relates to Plaintiff's Bronx Supreme Court Indictment No. 02396/2016, which includes records that are not publicly available and which are protected by the Protective Order.

Accordingly, the Defendants' anticipated Status Letter contains confidential information, and the Defendants respectfully request the Court's permission to file the Defendants' anticipated March 9, 2020 Status Letter under seal.<sup>2</sup> The Defendants note that Plaintiff consents to their instant request.

The Defendants thank the Court for its consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino  
Nicolette Pellegrino  
Assistant Corporation Counsel  
Special Federal Litigation Division

CC: VIA FIRST CLASS MAIL<sup>3</sup>  
Christopher Hiram Cano  
Anna M. Kross Correctional Facility  
18-18 Hazen Street  
East Elmhurst, New York 11370

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<sup>2</sup> The Defendants will file their anticipated March 9, 2020 Status Letter under seal through the ECF system subsequent to filing their instant request.

<sup>3</sup> Though the Plaintiff's address has not been updated on ECF, upon information and belief, Plaintiff is currently located at the Anna M. Kross Center ("AMKC"). Thus, the Defendants will mail a copy of their instant letter to Plaintiff at AMKC.